

## Drink Driving Recidivism

High-risk offenders are defined as recidivist offenders of drink driving. In the UK for example, a high-risk offender is categorised by one of the following (Maycock 1997):

- A driver who has been disqualified once for driving with an alcohol level in excess of 2.5 times the legal limit
- A driver who has been disqualified twice within a ten year period for any drink drive offence
- A driver who has been disqualified for failing to provide a sample for analysis

Research has demonstrated that between 20% and 30% of convicted drink drivers re-offend (Langford 1998; Popkin 1994). High-risk offenders represent only a small proportion of all drivers but contribute disproportionately to road accidents. They are more likely than others to be involved in fatal crashes where alcohol impairment is involved (ICAP 2005). While legal sanctions such as fines and licence disqualification periods have been effective in preventing a large proportion of the population from drink driving, high-risk offenders have failed to respond in the same positive way (Marques, Voas & Hodgins 1998). As a result, other measures are being employed as additional countermeasures to avoid drink driving of high risk offenders.

### Countermeasures

#### 1. Rehabilitation programs

Drink driving rehabilitation programs constitute a secondary form of prevention that attempts to directly change offenders' drink driving behaviour through education and/or treatment aiming at separating drinking from driving (Freeman & Liossis 2002). Some studies have shown that drink driving rehabilitation programs can reduce recidivism and alcohol related crashes (Pratt, Holsinger & Latessa 2000; DeYoung 1997). It has been demonstrated that such programs are most effective for serious repeat offenders who are apprehended with BAC levels of 1.5 g/l or greater (Ferguson et al 2001). Research has shown that rehabilitation programs are most effective in reducing further offences when they are combined with licence disqualification periods (Freeman & Liossis 2002). First, the continued application of fines and licence disqualification periods ensures offenders realise the punitive costs associated with re-offending. Second, rehabilitation programs provide recidivist drink drivers with a range of skills and strategies to avoid the drink driving sequence, which include information regarding the effects of alcohol, drink driving laws, safe driving practices and possible indicators of drinking problems. Despite the reported reductions in drink driving behaviour resulting from rehabilitation programs, some 'hard core' offenders fail to complete the programs or continue to drink and drive after completing such programs.

#### 2. Alcohol Interlocks as Part of Rehabilitation Strategies

Alcohol Interlocks can form part of a rehabilitation strategy targeting recidivist offenders as they prevent impaired drivers from operating a vehicle. Alcohol interlocks (also termed 'alcolocks') are devices that require the driver to take a breath test before starting the car. If the driver fails the test, the device locks the ignition of the car. Internationally the alcolock is considered being a promising measure of reducing drink driving, especially recidivism.

Several studies have shown that alcolock programs are more effective than full licence suspension in preventing recidivism (Eurocare 2003). Various studies show 65-90% less repeat offences for users of an alcolock than for drivers with withdrawn licence (SWOV 2007). In the first years of an alcolock trial in Sweden, no one of the participants was caught drink driving again (Bjerre & Bergman 2004).

But there are also problems of alcolock programs. Many countries that introduced alcolock programs report low participation rates of eligible drivers. This is often caused by the fact that these programs are voluntary. In

combination with high costs, this has resulted in a participation rate of only 11% in Sweden (Bjerre & Bergman 2004). In criminal law programs that are imposed by law courts the participation rates are often even lower (SWOV 2007). Another weak point is that the positive effect on recidivism usually disappears completely as soon as the alcohol lock is removed from the car (Bax et al 2001).

However, recent findings from Sweden show that successful completion of the Swedish programme appears to have lasting effects in terms of far lower rates of drink driving recidivism rates (Bjerre 2005). Drink drivers who have successfully completed the programme reduce their drink driving recidivism by 60%. Moreover, there is an approximately 80% reduction in the number of police-reported traffic accidents compared to the situation during the pre-treatment period. The long term effects of the programme are considered to be a better solution in comparison to conventional license revocation. In sum, a possibility of getting a more permanent behavioural change is to combine alcohol locks with rehabilitation programs (ERSO 2006).

### Current Situation in the EU (Winter 2008/2009)

Across some European countries progress is being made on introducing rehabilitation programmes to deal with drink driving offenders. Many of the Member States are due to introduce alcohol interlocks as part of these programmes whereby offenders can apply for special licences which allow them to drive, on the condition that they have an alcohol interlock. Finland is clearly in the lead being the first to have introduced new legislation in July. France and Sweden are hard on its heels with proposed legislation out. Other countries such as the UK, Belgium and the Netherlands should be soon behind them in the next year or 18 months. As more countries follow suit ETSC thinks that some EU Guidelines to help those countries setting out legislation dealing with this tricky area of road safety would be helpful.

	Pilot project ongoing	Legislation in preparation	Legislation in discussion in Parliament	Legislation in implementation	Rehabilitation
Finland				X	X
Sweden	X	X			X
Netherlands	X	X			X
France	X	X			X
UK	X	X			
Belgium	X	X			
Slovenia	X				

### ETSC Policy Recommendations

#### The EU should:

- Promote the rehabilitation of drink drivers as part of a public health approach as research shows that a high percentage of drink drivers are dependent drinkers
- Stimulate further research into the use of alcohol locks in rehabilitation programmes with the goal of setting up EU best practice guidelines
- In the medium term (2015) introduce EU legislation making alcohol locks mandatory for recidivist drink drivers

#### Member States should:

- Ensure that alcohol locks be installed in the cars of first time offenders who are found to be far in excess of the legal limit (such as 2.5 times) and all recidivists. Essential for their success is that alcohol locks should be combined with driver rehabilitation courses to achieve a more permanent behavioural change

## Progress in different EU Member States

### Finland

Legislation allowing the use of alcolocks came into force on the 1st of July 2008 following a three year pilot programme. In Finland approximately 23-25 % of road deaths are caused by drink drivers. Mostly, drink drivers kill themselves or their passengers. Approximately 60% of detected drink drivers' BAC limit is over 1.2 per mille and 88% of alcohol related road deaths are caused by this kind of driver. Of the 8 to 9% of drink drivers who are caught more than once in a year, 23% of them are caught again during next five years. Once a drink driver has been identified they are given the option to regain their right to drive by having an alcolock installed in their car and committing to the terms of a conditional right to drive. The alcolock must be used for the time period ordered by the court, at least for a year and no more than three years. In order to receive an alcolock driving licence the driver must see a doctor or another health care professional to discuss their use of alcohol and drugs, the health impacts, and opportunities for rehabilitation. The alcolock driving licence will provide the right to drive cars referred to in the vehicle register and fitted with alcolocks only. Certificates of the installation and of the modification inspection must be delivered to the Police of the driver's place of residence. The costs for using the alcolock are approximately 110-160 EUR a month and are carried by the driver. The alcolock is serviced every two months and within 24 hours if an infringement has occurred. At the end of the alcolock period the driver can then remove the alcolock from the car or leave it in.

### Sweden

The Swedish Road Administration has been co-ordinating a programme for drink driving offenders since 1999. A pilot project was extended across Sweden in 2003 and will run until 2009. It is enabled through temporary legislation offering participation in an alcolock programme to drink driving offenders. The participation is voluntary and does not have an effect on the penalty of the crime. The 2-year programme includes regular medical check-ups (during year 2 the offender has to verify sober living) and controls of the alcolock device. The offender is personally responsible for all registrations in the alcolock during the two year period. The main reasons for participating are keeping the driver's licence, continuing to be able to work and also getting help with their alcohol problems.

As it is a voluntary scheme and carries a high cost only 11% of the eligible drink drivers participate. Moreover 48% of those drop out due to the strict rules of the programme. Of those who drop out 45% are excluded due to repeated attempts to start a vehicle with alcohol in their breath. However, drink drivers who have completed the programme reduce their drink-driving recidivism by 60%. Moreover those who have completed the programme are far less likely to be in an alcohol related crash. The long term effects of the programme are considered to be a better solution in comparison to conventional license revocation.

In early October 2008 the government launched its consultation on legislation for introducing a nation-wide alcolock drink driver offender programme. Following the stakeholder consultation the proposal is expected in 2009. The proposed system is that all drunk driving offenders can apply for an alcolock as a condition to keep their driving license instead of facing a driving licence revocation. For people in the high risk group (over 1 promille BAC, relapsing offenders and persons with a diagnosed alcohol problem or addiction to alcohol) the condition will be to drive for 2 years with the alcolock. In order to get a license without an alcolock after that, they would have to prove that they live a sober life (a minimum of 4 blood tests during at least 6 months).

### France

The French government launched new legislation to combat drink driving in February 2008. Since 2006, alcohol has become the number one contributor to road crashes: if all drivers respected the 0.5 BAC limit 26% more lives could be saved. Rehabilitation programmes will be introduced with the installation of mandatory alcolocks for a fixed period for drink drivers. Prévention Routière has already run a pilot programme in the Haute Savoie region. They reported a four to five level lower case of recidivism amongst those who had participated in the alcolock programme than others who had not participated.

### Belgium

New legislation setting up a drink driving rehabilitation programme is expected to be adopted by the Belgian Parliament before the end of 2008.

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